

PROCLAMATION

BY THE

Governor of the State of Texas

41-1339

REPRODUCED FROM THE
HOLDINGS OF THE
TEXAS STATE ARCHIVES

TO ALL TO WHOM THESE PRESENTS SHALL COME:

June 21, 1969

I disapprove and veto House Bill 1337, which creates a Court of Domestic Relations in Harrison County. The bill provides that it "shall not become effective until the Commissioners Court of Harrison County enters an order adopting it." In addition, the bill provides that "the commissioners court may be order abolish the court created under this Act, the order to be effective at the end of any specified term of office of the judge." Because of these provisions, I find House Bill 1337 unacceptable.

Under the Constitution of the State of Texas, a court of domestic relations can be created or abolished only "by law." The Constitution, moreover, vests the power to enact laws exclusively in the Legislature. The power is subject only to the veto power of the Governor. It is a fundamental principle of our system of government that the Legislature's power to enact the laws of this state cannot be delegated to any other governmental body.

Since House Bill 1337 would become effective only upon approval of the county commissioners court, that body would be given the power to enact a state law creating a court of domestic relations. Furthermore, the bill would specifically grant to the commissioners court the power to abolish the court. For the reasons set forth in this proclamation, it is well settled that neither of these powers can be conferred upon a county commissioners court.

House Bill 1337 was received on May 26, 1969, less than ten days prior to the adjournment of the Regular Session of the 61st Legislature. In accordance with the provisions of Article IV, Section 14 of the Texas Constitution, I am filing this proclamation, together with the bill, in the office of the Secretary of State.

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IN TESTIMONY WHEREOF, I have
hereunto signed my name officially
and caused the Seal of State to be
affixed hereto at Austin, this the
21st day of June, A. D., 1969.



PRESTON SMITH

GOVERNOR OF TEXAS

By the Governor:



Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

9:50 AM
O'CLOCK

JUN 21 1969



Secretary of State